

APPEAL NO. 040221
FILED MARCH 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 7, 2004. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury extends to and includes a psychological injury, and that the date of maximum medical improvement (MMI) and impairment rating (IR) cannot be determined at this time. The appellant (carrier) appeals, contending that the hearing officer's decision is not supported by the evidence and is against the great weight and preponderance of the evidence. No response was received from the claimant.

DECISION

Affirmed.

Conflicting evidence was presented on the issue of whether the claimant's compensable injury extends to and includes a psychological injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence on the disputed issue regarding the compensability of a psychological injury, we conclude that the hearing officer's decision on that issue is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer found that the designated doctor did not consider all parts of the claimant's compensable injury in determining that the claimant reached MMI on January 15, 2003, with a one percent IR. No other MMI and IR report is in evidence. The parties did not stipulate regarding the date of statutory MMI. The hearing officer determined that the claimant should be ordered to be reexamined by the designated doctor if the designated doctor is still qualified as a designated doctor, and if not, then another designated doctor would be appointed to determine MMI and IR. We conclude that the hearing officer's determinations on the MMI and IR issues are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain, *supra*.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge